

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 938 of 2004 (M/B)

Shiv Raj Singh
S/o Sri Shiv Charan Singh,
R/o Himalaya Transport & Forwarding Agency,
Nainital Road, Haldwani,
District Nainital. Petitioner

Versus

State of Uttaranchal & others. Respondents

Mr. M.S. Pal, learned counsel for the petitioner.
Mr. K.P. Upadhyaya, learned Brief Holder on behalf of State.
Mr. Sudhanshu Dhulia, learned senior counsel assisted by Mr. Ashish Joshi,
learned counsel for the respondent No. 3.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard learned counsel for the parties.
2. We do not find that anything can be done for this petitioner, who has been sleeping over his rights for years together and in the process, has been committing defaults after defaults. So much so that he only filed an affidavit and offered to pay the remaining amounts for the plot in Transport Nagar. But even when the time was extended from time to time through general advertisements in the paper and also through the individual notices, the petitioner has failed to pay the amount. Now, he says that the respondents could not have cancelled the allotment in his favour of the plot.
3. We have issued the notice to the Municipality. The Municipality, which has floated the scheme has come up with a case that they have done all the possible efforts to recover the money and they almost persuaded the petitioner to pay the money, which he had agreed to pay by way of instalments, but inspite of all the chances, the petitioner has refused to pay the money and washed out the default.

4. Under such circumstances, it is not possible for us to do anything. However, Mr. Sudhanshu Dhulia, learned senior counsel makes a statement that, now, the plots will be auctioned and the petitioner being a transporter in Haldwani for whom the said Transport Nagar is being created, would be allowed to take part in the auction, even without payment of registration fee. In spite of this, if the petitioner makes a representation, it would be for the concerned Authority to consider the same.

5. With these observations, we dispose of the writ petition.

(Irshad Hussan, J.)
14.10.2004

(V.S. Sirpurkar, C.J.)
14.10.2004

G